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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MARY BENSON, an individual,
Plaintiff,
vs.

Case. No.: 2:19-cv-01949-RFB-VCF

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, in its official capacity; and,
BRET EMPEY, in his official capacity as
Sergeant of the Las Vegas Metropolitan
Police Department;
Defendants.

**STIPULATION AND ORDER TO
EXTEND DISCOVERY
DEADLINES
(SIXTH REQUEST)
[ECF No. 37]**

Pursuant to Fed. R. Civ. P. 16(b)(4) and Local Rule 26-4, Plaintiff MARY BENSON and Defendants LAS VEGAS METROPOLITAN POLICE DEPARTMENT and BRET EMPEY ("LVMPD Defendants"), by their respective counsel, hereby submit this *Stipulation and Order to Extend Discovery Deadlines (Sixth Request)* to request the Court to continue the pretrial and trial dates by sixty (60) days.

I. DISCOVERY CUT-OFF DEADLINES

A. The discovery cut-off date shall be rescheduled from August 30, 2021 to **October 29, 2021**;

B. The deadline for the initial disclosure of experts and expert reports shall be rescheduled from June 29, 2021 to **August 30, 2021**;

C. The deadline for the disclosure of rebuttal experts and their reports shall be rescheduled from July 29, 2021 to **September 29, 2021**;

D. The deadline to file dispositive motions shall be rescheduled September 30, 2021 to **November 29, 2021**; and

1 E. The deadline to file the Joint Pretrial Order shall be rescheduled from
2 November 1, 2021 to **December 29, 2021**. If dispositive motions are filed, the deadline for
3 filing the joint pretrial order will be suspended until thirty (30) days after decision on the
4 dispositive motions or further court order.

5 **II. REASON FOR THE REQUESTED EXTENSION**

6 Pursuant to Local Rule 26-4, the Parties submit that good cause exists for the
7 extension requested.

8 The Parties have been diligently conducting discovery. Since January 2020, the
9 Parties have propounded and responded to requests for written discovery; have produced
10 documents relating to liability issues; and have been working to coordinate depositions. The
11 Parties acknowledge that, pursuant to Local Rule 26-4, a stipulation to extend a deadline set
12 forth in a discovery plan must be submitted to the Court no later than 21 days before the
13 expiration of the subject deadline, and that a request made within 21 days must be supported
14 by a showing of good cause. Here, the deadline for the initial disclosure of initial experts and
15 initial expert reports is currently June 29, 2021. Thus, the instant stipulation to extend the
16 deadline for initial expert disclosures is untimely.

17 Good cause exists to excuse this untimely request. Specifically, counsel for Plaintiff
18 has had several deadlines in competing matters in state and federal court which have
19 interfered with the completion of discovery in this matter. In addition, the maternal
20 grandmother of Plaintiff's counsel Alina M. Shell was hospitalized on May 27, 2021, after
21 suffering a stroke, and subsequently died on June 10, 2021. Ms. Shell has had to take personal
22 time to assist her family through her grandmother's hospitalization and death.

23 **III. STATUS OF DISCOVERY EFFORTS TO DATE**

24 The following discovery has been completed to date:

- 25 1. LVMPD Defendants provided their Fed. R. Civ. P. 26.1 Production of
26 Documents and Witness List on January 6, 2020;
- 27 2. Plaintiff Mary Benson provided her Fed. R. Civ. P. 26.1 Production of
28 Documents and Witness List on January 7, 2020;

3. LVMPD Defendants propounded their First Set of Requests for Production of Documents to Plaintiff Mary Benson on January 17, 2020;

4. Plaintiff Mary Benson responded to LVMPD Defendants' First Set of Requests for Production of Documents on March 10, 2020;

5. Plaintiff provided her First Supplement to her Fed. R. Civ. P. 26.1 Production of Documents and Witness List on March 10, 2020;

6. Plaintiff Mary Benson propounded her First Set of Requests for Production of Documents to Defendant Sgt. Bret Empey on March 13, 2020;

7. Plaintiff Mary Benson propounded her First Set of Requests for Production of Documents to Defendant Las Vegas Metropolitan Police Department on March 13, 2020.

8. LVMPD Defendants provided their First Supplement to their Fed. R. Civ. P. 26.1 Production of Documents and Witness List on May 11, 2020;

9. Defendant Sgt. Bret Empey responded to Plaintiff Mary Benson's First Set of Requests for Production of Documents on May 11, 2020;

10. Defendant Las Vegas Metropolitan Police Department responded to Plaintiff Mary Benson's First Set of Requests for Production of Documents on May 11, 2020; and

11. Plaintiff provided her Second Supplement to her Fed. R. Civ. P. 26.1 Production of Documents and Witness List on February 23, 2021.

IV. DISCOVERY REMAINING

The Parties agree that the following discovery must be completed:

1. The deposition of Plaintiff;
2. The depositions of Defendants;
3. The depositions of witnesses;
4. The deposition(s) of the Defendants' Person(s) Most Knowledgeable;
5. The deposition(s) of expert witness(es) designated by all Parties;
6. Additional written discovery; and
7. Additional records collection.

V. CONCLUSION

Based on the above, requisite good cause exists to warrant an extension of the Scheduling Order (ECF No. 35) deadlines. Accordingly, the Parties respectfully request that this Court extend the current deadlines by sixty (60) days in order to allow all Parties to adequately complete discovery and to resolve present scheduling conflicts.

IT IS SO STIPULATED.

DATED this the 15th day of June, 2021.

MARQUIS AURBACH COFFING

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DATED this the 15th day of June, 2021.

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ORDER

IT IS SO ORDERED.

DATED this 15th day of June, 2021.



U.S. MAGISTRATE JUDGE